

REMARKS/ARGUMENTS

In view of the remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claims 1-12 are pending for further examination.

Claims 1-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ulrich (U.S. Pat. 6,895,438) in view of Olah et al. (U.S. Pat. 6,446,119). Applicant submits that the applied references, alone or in combination, does not teach or suggest all elements of the claimed combination.

For example, claim 1 recites, *inter alia*, “providing the electronic summary reports to a first employee in response to a request for the first employee’s information from the first employee, wherein the summary reports include information on the first employee as well as all other employees working under the first employee in the company organizational structure.”

According to the Office Action, Ulrich “fails to teach the reports containing all supervised employees.” The Office Action continues, “Olah teaches the employer requesting the reports to be run on one or all employees in an organization. (col. 1, lines 60-65)” Actually, at the cited portion, all Olah teaches is that it would be useful to monitor employees’ usage in some fashion. Ulrich does teach, however, that an individual can track the use of their own time or that of their associates.

Nothing in Olah or Ulrich, alone or in combination, teaches or suggests that when an individual requests their own report, they would also be shown a report of everyone else in the company. In response to this argument, the Examiner alleges that “Olah teaches a supervisor monitoring their employees’ activities.” Even if Olah teaches this, however, there is no reason why one of skill in the art would have been motivated Olah’s teachings such that, when a

supervisor pulled a report on themselves, they would have also been shown a report on subordinates.

The Examiner alleges that “the nature of the problem to be solved, identifying, monitoring employee performance and productivity would have lead one of ordinary skill in the art to combine the individuals report of Ulrich with the supervisor report of Olah to yield predictable results.” There are numerous fallacies in this statement.

First, Olah does not actually teach or suggest a supervisor report (presumably showing user usage). The Examiner appears to be inferring, from Olah’s teaching that it would be advisable to monitor employees, that a “supervisor report” could be run. Second, even if Olah does teach a supervisor report, there is no reason or motivation to combine it with the individual report of Ulrich, such that when a person pulls their own individual report, they are also given the report of their subordinates. The Examiner cannot simply state the mere conclusory position that the prior art combination would be both obvious and result in the claimed combination. Rather, the Examiner must articulate some rationalized reasoning.

For example, the Examiner alleges that monitoring employee performance and productivity is a the problem to be solved. If that is the case, then a supervisor would likely pull an employee report, not a personal report which then also provides employee information. If a person is concerned with monitoring employees, they would have no reason to pull their own report. If a person is concerned about their own metrics, they would have no reason to pull an employee report. The Examiner can provide no teaching or suggestion that such a combination would exist or be obvious, rather, he provides merely a base allegation that it is so. Such a conclusory statement is clearly founded in improper hindsight, having had the benefit of Applicant’s disclosure as a guide.

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For at least these reasons, Applicant submits that claim 1 is allowable over the prior art of record. Claims 2-12 should be allowable based at least on their dependency from allowable claim 1.

In view of the foregoing remarks, Applicant believes that all of the pending claims are in condition for allowance. Thus, withdrawal of the rejection and passage of this case to issuance are earnestly solicited.

Should the Examiner have any questions, or deem that any further issues need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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